

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN ARLENE BECKER**, on February 18, 2005  
at 4:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Arlene Becker, Chairman (D)  
Rep. Tom Facey, Vice Chairman (D)  
Rep. Don Roberts, Vice Chairman (R)  
Rep. Mary Caferro (D)  
Rep. Emelie Eaton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. William J. Jones (R)  
Rep. Dave McAlpin (D)  
Rep. Tom McGillvray (R)  
Rep. Mike Milburn (R)  
Rep. Art Noonan (D)  
Rep. Ron Stoker (R)  
Rep. Pat Wagman (R)  
Rep. Bill Warden (R)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
Mary Gay Wells, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 663, 2/15/2005; HB 665, 2/15/2005  
HB 682, 2/15/2005; HB 696, 2/15/2005  
HB 704, 2/15/2005; HB 737, 2/15/2005  
HB 738, 2/15/2005

Executive Action: HB 552, Do Pass As Amended  
HB 387, Do Pass As Amended  
HB 555, Do Pass As Amended  
HB 696, Do Pass As Amended  
HB 737, Do Pass; HB 704, Do Pass  
HB 663, Tabled; HB 619, Tabled  
HB 658, Tabled; HB 690, Tabled  
HB 395, Send to Appropriations

**HEARING ON HB 738**

**Sponsor:** REP. CHRISTINE KAUFMANN, HD 81, HELENA

**Opening Statement by Sponsor:**

**REP. CHRISTINE KAUFMANN** opened the hearing on **HB 738**. The bill would establish an advisory commission on provider rates and services. She had looked into provider rates and how the rates were set. In meeting with a provider in Helena, she learned that there is no rhyme or reason as to how provider rates are set. Legislators are required to make decisions on how to appropriate money for contractors who provide services to the public that are required under law. Without rules and guidelines, the Legislature cannot be fair to all. With HB 738, a commission would be appointed by the Department of Public Health and Human Services (DPHHS) to have an open process by which provider rates are examined, the cost of services are examined and recommendations would be presented to the Legislature. The Legislature would maintain its authority, as always, to appropriate the money in a fair and balanced manner.

**{Tape: 1; Side: A; Approx. Time Counter: 0 - 7}**

**Proponents' Testimony:**

**Mignon Waterman, Helena**, related that, as a previous legislator for ten years, she had served on the Joint Subcommittee on Health and Human Services. She had struggled with the way provider rates were set. She pointed out that the meat of the bill was on Page 2, Lines 4-14. It would give some equity between services as well as within a division.

**{Tape: 1; Side: A; Approx. Time Counter: 7 - 8.4}**

**Jim Fitzgerald, Executive Director, Intermountain Children's Home and Services, Helena**, stood in favor of HB 738 in that it would establish an open process to determine what expenses should be

reimbursed for any one service and to determine the cost of providing that service in accordance with the contracts, the administrative rules and licensure that is required by the Department. Currently, there is no alignment between the rate one is paid and what one must comply with. This bill would allow providers to have an open and defensible process free from personalities, politics and different political parties.

**{Tape: 1; Side: A; Approx. Time Counter: 8.4 - 12.5}**

**Jani McCall, Montana Children's Initiative Provider Association,** declared that they were in strong support of HB 738. She presented a chart, "Children's Mental Health Out-of-Home Services." It showed the discrepancies of how rates are determined. She explained the chart to the Committee.

**EXHIBIT**(huh40a01)

**{Tape: 1; Side: A; Approx. Time Counter: 12.5 - 14.9}**

**Rose Hughes, Executive Director, Montana Health Care Association,** told the Committee that they would be more than willing to work with an advisory commission to let them know what their costs and rates are and how these are determined. The Legislature cannot make decisions to increase or cut if they don't have good data to work with.

**{Tape: 1; Side: A; Approx. Time Counter: 14.9 - 16.9}**

**Cristin Volinkaty, Child and Family Developmental Disabilities Services, Region IV and V, and Child Development Center, Missoula,** explained that they contract with the State. With no base adjustment, rates have decreased instead of increased. Medicaid told their Division that they needed to develop a published rate system that is standardized. It has been expensive and time consuming. HB 738 is a great idea and she hoped for a do pass.

**{Tape: 1; Side: A; Approx. Time Counter: 16.9 - 18.5}**

**Charlie Briggs, Montana Association of Independent Disability Services,** stated they were in support of the bill. Medicaid for Developmental Disabilities Children and Adult Services is going through a systematic rate re-design to establish a uniform rate structure similar to some of the goals professed for the advisory commission.

**{Tape: 1; Side: A; Approx. Time Counter: 18.5 - 19.7}**

**Opponents' Testimony:** None

**Informational Testimony:**

**Jeff Sturm, Program Director, Developmental Disabilities Program, DPHHS,** explained that DPHHS has been going through a rate

structure development for a program that has never had rates. They have had to start from scratch. He was available for questions and willing to help the commission.

**Gail Briese-Zimmer, Office of Planning, Coordination and Analysis, DPHHS**, stated that should the bill pass, the Department will work with the commission and provide staff expertise support within their financial and staffing restraints.  
{Tape: 1; Side: A; Approx. Time Counter: 19.7 - 21.3}

**Questions from Committee Members and Responses:**

**REP. WILLIAM JONES** requested the estimated cost for this project. **Mr. Sturm** commented that the Department had spent about \$1 million in development of a rate structure. Most of that money was a match fund with approximately ten percent from the general fund. The reason the Department started this rate structure was because Medicaid Services came and talked about rate discrepancies in Montana. In order to continue receiving Medicaid funds, it was necessary to get a rate structure in place.

**REP. JONES** inquired about a fiscal note. **REP. KAUFMANN** replied that she did not know about a fiscal note. HB 738 is not doing the same thing as the Department had been doing. The Department is developing an entire rate structure. This bill requests fifteen volunteers to review the rate structures that are in place and make recommendations to the Legislature. They would not be designing a new structure for anyone.

{Tape: 1; Side: A; Approx. Time Counter: 21.3 - 23.3}

**REP. RON STOKER** questioned the feasibility of fifteen volunteers paying for their own transportation, meals, etc. to come to meetings. **REP. KAUFMANN** did not have an answer, but **CHAIRMAN BECKER** informed the Committee that a fiscal note was coming. **Ms. Briese-Zimmer** stated that a fiscal note was being developed. Some of the commission members would be Department staff and would not require per diem. For the others, funding would not be a problem; it could be absorbed into the Department's budget.

**Closing by Sponsor:**

The Sponsor closesd.

{Tape: 1; Side: A; Approx. Time Counter: 23.3 - 25.8}

**HEARING ON HB 696**

**Sponsor:** REP. JOEY JAYNE, HD 15, ARLEE

**Opening Statement by Sponsor:**

**REP. JOEY JAYNE** opened the hearing on **HB 696**. The bill would clarify and put into statute the policy that a youth who is removed from his/her home would be entitled to maintain their ethnic, cultural and religious heritage. The bill would apply under the Montana Youth Court Act.

***{Tape: 1; Side: A; Approx. Time Counter: 25.8 - 31.1}***

**Proponents' Testimony:**

**Sarah Singer, Advocate for Children of the Courts**, stood in support of HB 696. Every youth who is taken from his/her home should be afforded the opportunity to preserve their culture.

**REP. JONATHAN WINDY BOY, Chippewa-Cree Tribal Council**, declared his support for HB 696. When youth are at that dependent stage of their life, they can get caught up in the system. He felt that this bill would help these young people.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.8}***

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. JONES** questioned the sponsor concerning a mixed marriage and where the child would then be placed. **REP. JAYNE** replied that HB 696 would give the court authority and direction as to where the youth should be placed.

**REP. JONES** continued and hoped the court would not be hindered by the word "ensures" on Page 1, Line 24.

***{Tape: 1; Side: B; Approx. Time Counter: 2.8 - 6.8}***

**REP. NOONAN** was supportive of the bill. He also was concerned that the word "ensures" would hamper the court in placing a youth if there was not a culturally defined family available. **REP. JAYNE** responded that the intent was to place children with people of their own kind whenever possible.

**REP. MILBURN** felt the wording of the bill was not good. A good home should be the first priority over the "...ethnic, cultural,

and religious heritage...." **REP. JAYNE** reiterated her previous statement and said her intent was only for the good of the child.

**REP. STOKER** added his concerns about the wording.

**REP. HENRY** gave her interpretation of the wording. If the young person is placed in a home that is different culturally, that youth would be entitled to pursue his culture within the confines of his temporary or permanent home.

**{Tape: 1; Side: B; Approx. Time Counter: 5.7 - 15.4}**

**REP. WINDY BOY** asked Ms. Singer to give an example of how the bill would have been helpful to her. **Ms. Singer** told how she and her twin sister were placed in a Polish-Irish-Russian Jewish family. She did not have the opportunity to preserve her culture in that home.

**{Tape: 1; Side: B; Approx. Time Counter: 15.4 - 19.6}**

**Closing by Sponsor:**

The Sponsor closed.

**{Tape: 1; Side: B; Approx. Time Counter: 19.6 - 22}**

**HEARING ON HB 665**

**Sponsor:** **REP. TERESA HENRY, HD 96, MISSOULA**

**Opening Statement by Sponsor:**

**REP. TERESA HENRY** opened the hearing on **HB 665** which would provide for the regulation of mercury-added products, especially healthcare products. She had three sets of amendments which she would hand out in executive action. There were some changes at the request of the dental association. She pointed out that: 1) mercury is a neurotoxin, 2) mercury-containing devices and equipment in healthcare are in use, 3) there are options available for reducing and recycling mercury that are cost effective and accurate, 4) when there is not cost-effective alternatives, HB 665 proposed to track those sources of mercury. She submitted a letter from Peter Nielsen, Environmental Health Supervisor, Missoula City-County Health Department, Water Quality District.

**EXHIBIT** (huh40a02)

**{Tape: 1; Side: B; Approx. Time Counter: 22 - 27.3}**

**Proponents' Testimony:**

**Dr. Dayna Baumeister, Scientist,** told the Committee that as a scientist and a mother, the effects of mishandled mercury is terrifying. She urged the passage of the bill.

**Bryony Schwan, National Campaigns Director, Women's Voices for the Earth,** handed out an informational sheet on the effects of mercury on women and children, a letter by healthcare professionals, a fact sheet on thermometers, and a sheet on the sources of mercury in products. She pointed out that mercury is a persistent, dangerous neurotoxin and everything should be done to decrease its exposure to children. She was in favor of the bill and gave some examples of different thermometers for the Committee to look at. More than six states have phased out the use of mercury thermometers. Ms. Schwan read statistics on products that use mercury and how mercury pollutes our environment.

[EXHIBIT\(huh40a03\)](#)

[EXHIBIT\(huh40a04\)](#)

[EXHIBIT\(huh40a05\)](#)

[EXHIBIT\(huh40a06\)](#)

*{Tape: 1; Side: B; Approx. Time Counter: 27.3 - 32 Her testimony carried over to Tape: 2; Side: A}*

**Bob Clark, Missoula,** urged the Committee to pass HB 665. He told how his wife, Mary, had been diagnosed with Scleroderma and she had been exposed to metals. He believed that the bill would reduce public exposure to this harmful substance.

**Gary Chilcott, Sure-Way Systems,** explained how his company removes all medical and silver waste generated in hospitals in this region since 1993. His company charges \$35 to remove a pint of mercury, and a pint is a lot of mercury. It is not a big cost item for a hospital. His company takes care of this waste now and the fee is not exorbitant. He urged a do pass.

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 6.3}*

**Alexandra Gorman, Women's Voices for the Earth,** stood in strong support of the bill. She concurred with Ms. Schwan and handed out a map showing mercury product legislation in other states, and explained each piece of legislation.

[EXHIBIT\(huh40a07\)](#)

*{Tape: 2; Side: A; Approx. Time Counter: 6.3 - 8.4}*

**Derrick Goldman, Montana Audubon**, informed the Committee that his group was supportive of HB 665. He handed out two fact sheets on mercury in fish in Montana and spoke on those facts.

**EXHIBIT(huh40a08)**

**Ann Hedges, Montana Environmental Information Center**, spoke about the risks to women and children from mercury. She also spoke about a study, released by the American Heart Association, on men and their risks from mercury. A man between the ages of 42 and 60 with elevated levels of mercury, usually from eating fish, is at a greatly increased risk of coronary heart disease. She submitted letters of information and support from Elizabeth Schenk, RN, Marcia Hans, Master of Science in nursing and Kim Roberts, RN.

**EXHIBIT(huh40a09)**

***{Tape: 2; Side: A; Approx. Time Counter: 8.4 - 11.1}***

**Linda Eichwald, Montanan**, told the Committee that she is a fourth-generation Montanan and how her family hunted and fished. She was horrified to hear about the fish advisories. She urged the Committee to pass the bill in order to protect Montanans and the future of Montana.

**Terry Kendrick, Women's Opportunity and Resource Development, Inc.**, said she also is a native Montanan and grew up eating the hunting successes of her father. With fishing advisories warning pregnant women and children not to eat Montana fish, Montana is in trouble. She urged the passage of HB 665.

**Jennifer Thompson** supported the bill.

***{Tape: 2; Side: A; Approx. Time Counter: 11.1 - 13.5}***

**Opponents' Testimony:**

**Don Allen, Western Environmental Trade Association (WETA)**, declared that mercury has been a topic of discussion in other pieces of legislation this session. He did not want to downplay or minimize the impact of mercury. WETA at first did not think HB 665 had a direct effect on them, but the bill is not solely directed at medical equipment. He pointed out some conflicting language in the bill concerning definitions. Mr. Allen felt the bill was too inclusive. There were other problems that he felt needed to be taken care of. The bill should have come in sooner and felt that not enough information had been presented to the Committee to give a true picture of what this bill would do.

***{Tape: 2; Side: A; Approx. Time Counter: 13.5 - 21.2}***

**Keith Allen, International Brotherhood of Electrical Workers**, stood as a reluctant opponent to HB 665. The definitions were too broad concerning lamps, light bulbs, etc. He spoke about florescent lights in rooms and the small amount of mercury contained in them. He felt the bill was too inclusive.

**{Tape: 2; Side: A; Approx. Time Counter: 21.2 - 23.6}**

**Informational Testimony:**

**Mary McCue, Executive Director, Montana Dental Association**, said they were, at first, opposed to the bill. With the amendments that they negotiated with the sponsor, they were not opposing it. Dentists in Montana are voluntarily dealing with the issue of amalgam waste water. They are working under a document, "Best Management Practices," prepared by the American Dental Association.

**{Tape: 2; Side: A; Approx. Time Counter: 23.6 - 25.6}**

**Questions from Committee Members and Responses:**

**REP. WINDY BOY** inquired how much mercury is in a fish and what is the danger level. **Ms. Schwan** responded that it would depend upon the type of fish. **REP. HENRY** read from a document called, "What You Need to Know About Mercury and Fish and Shellfish."

**{Tape: 2; Side: A; Approx. Time Counter: 25.6 - 28.6}**

**REP. NOONAN** asked what have other states done concerning light bulbs. **Ms. Gorman** replied that there has been a variety of legislation. She did not know of any ban on light bulbs containing mercury. Labeling is fairly standardized and tells consumers if a light bulb contains mercury.

**REP. NOONAN** wondered if the western states would become the dumping ground for mercury waste. **Ms. Schwan** said the bill has an exemption: "If there is a public benefit, the product should be sold." She wanted to know how much mercury is coming into the state and where it is so that it can be handled and recycled properly.

**{Tape: 2; Side: A; Approx. Time Counter: 28.6 - 32}**

**REP. NOONAN** questioned Mr. Keith Allen about his specific concerns and asked if an amendment would be helpful. **Mr. Allen** thought the bill would require a big increase in paperwork which would result in increased costs for the companies and customers.

**{Tape: 2; Side: B; Approx. Time Counter: 0 - 1.7}**

**REP. MCGILLVRAY** wanted to know if the sponsor had spoken to dairy farmers. **REP. HENRY** explained that her bill had been patterned after Maine and thought that Maine was a dairy state.

**REP. MCGILLVRAY** asked if the sponsor had data on the economic impact to the state with regard to hospital compliance, businesses, etc. **REP. HENRY** did not have that specific information.

*{Tape: 2; Side: B; Approx. Time Counter: 1.7 - 4.3}*

**REP. MCGILLVRAY** wanted to know how mercury gets into water. **Ms. Schwan** said mercury evaporates out of landfills. If waste is incinerated, the ash settles on land and water. Dairy farms used to use mercury-filled manometers. They would leak and had to be refilled. The new manometers are non-mercury. This bill would not require dairy farmers to get rid of their manometers, but any new ones would be non-mercury.

*{Tape: 2; Side: B; Approx. Time Counter: 4.3 - 6.6}*

**REP. JONES** inquired about the legislation from Maine and about the natural pollution of mercury. **REP. HENRY** believed that most pollution comes from manmade products.

*{Tape: 2; Side: B; Approx. Time Counter: 6.6 - 11.9}*

**REP. STOKER** wanted to know how much mercury waste had been picked up in the last year. **Mr. Chilcott** replied, "Not much because there is no state mandate." He said they pick up light bulbs which is under a state contract. This bill would bring the rest of the Montana up to the state standard by taking care of light bulbs and mercury contaminates.

**REP. STOKER** asked where this waste was disposed. **Mr. Chilcott** said the light bulbs go to Washington where they are recycled. The mercury they collect goes through a triple distiller and distilled back into mercury for other purposes.

**REP. STOKER** wanted to know if mercury is tied in with any other chemical combinations where it is stable. **Ms. Schwan** was not sure. She said that sometimes they use a powder in the florescent tubes and sometimes a vapor as well as solid mercury.

*{Tape: 2; Side: B; Approx. Time Counter: 11.9 - 15.1}*

**Closing by Sponsor:**

The Sponsor closed.

*{Tape: 2; Side: B; Approx. Time Counter: 15.1 - 19.2}*

**HEARING ON HB 682**

**REP. EVE FRANKLIN, HD 24, GREAT FALLS**

**Opening Statement by Sponsor:**

**REP. EVE FRANKLIN** opened the hearing on **HB 682**. The bill deals with the scope of practice and licensure. Currently, social workers who are licensed are in one particular category. Clinical social workers have a Masters of Social Work (MSW), have a specialized body of knowledge and are masters-prepared. HB 682 would require the licensing of all social workers. There are social workers who may not have any background or training in classical social work. The bill does not stop them from doing that work; their work must be clearly defined but they cannot call themselves social workers. There are grandfathering provisions in the bill. The most important focus of the bill is for consumer protection. People will be able to know who is providing the service, what kind of service is offered, and where to go to redress grievances.

***{Tape: 2; Side: B; Approx. Time Counter: 19.2 - 23.5}***

**Proponents' Testimony:**

**Colleen Murphy, Licensed Clinical Social Worker, Executive Director, Montana Chapter, National Association of Social Workers (NASW)** introduced herself and handed out a packet of information which she referred to at times. She read most of her material.

**EXHIBIT**(huh40a10)

***{Tape: 2; Side: B; Approx. Time Counter: 23.5 - 32; Comments: Ms. Murphy's testimony carries over to Tape 3, Side A.}***

**Ms. Murphy** concluded that the opponents will testify that it will be too difficult to recruit professional social workers and will cost too much. She questioned whether Montana can afford not to move in this direction.

***{Tape: 3; Side: A; Approx. Time Counter: 0 - 5.7}***

**Mary McCue, NASW, Montana Chapter**, said that with time being of the essence, she offered her expertise if there were technical questions. She highlighted Section 4 which sets out how an associate social worker would be licensed. Section 5 sets out the process of getting the baccalaureate social worker license. The heart of the bill is in Section 12. That portion states that a person will not be able to practice social work or use the title in Montana unless they become licensed. She explained

there were two technical amendments and handed those proposed amendments to the Committee.

[EXHIBIT\(huh40a11\)](#)

*{Tape: 3; Side: A; Approx. Time Counter: 5.7 - 9.7}*

**Kimberly Gardner, Licensed Clinical Social Worker**, submitted her written testimony and three letters of testimony from Angela Johnson, Licensed Clinical Professional Counselor, Linda Fowler, Licensed Clinical Social Worker, and John Madsen, MSW.

[EXHIBIT\(huh40a12\)](#)

*{Tape: 3; Side: A; Approx. Time Counter: 9.7 - 14.5}*

**Donna Buska, Foster Parent, East Helena, Montana**, submitted her written testimony.

[EXHIBIT\(huh40a13\)](#)

*{Tape: 3; Side: A; Approx. Time Counter: 14.5 - 17.1}*

At this time, the witnesses only gave their names, where they were from and handed in testimony or exhibits.

**Mary Meis, Licensed Clinical Social Worker, Shelby, Montana**

[EXHIBIT\(huh40a14\)](#)

**Patrick Wolberd, Licensed Clinical Social Worker, Livingston, Montana**, handed in a paper he had prepared called, "Is It Social Work Practice?"

[EXHIBIT\(huh40a15\)](#)

**Rita Watson, President, (NASW), Licensed Clinical Social Worker, Billings, Montana,**

[EXHIBIT\(huh40a16\)](#)

**Tracy Clark, NASW, Bachelors in Social Work, University of Montana**

**Cindy Otter, Student Intern, NASW, Montana Chapter**

[EXHIBIT\(huh40a17\)](#)

**Vicky DeBoer, NASW, Supervisor**

**Jerry Nordstrom, Licensed Clinical Social Worker**

**Tammy Clark, BSW, NASW**

[EXHIBIT\(huh40a18\)](#)

*{Tape: 3; Side: A; Approx. Time Counter: 17.1 - 22}*

**Opponents' Testimony:**

**Rose Hughes, Executive Director, Montana Health Care Association,** submitted her written testimony and information from Montana Code Annotated concerning social services and a portion from the State Operations Manual, Appendix PP-Guidance to Surveyors for Long Term Care Facilities-(Rev. 1, 05-21-04).

**EXHIBIT** (huh40a19)

***{Tape: 3; Side: A; Approx. Time Counter: 22 - 26}***

**Frank Lira, Child & Family Intervention Center of Montana, Billings,** read his testimony and submitted the written copy.

**EXHIBIT** (huh40a20)

***{Tape: 3; Side: A; Approx. Time Counter: 26 - 32. Mr. Lira continued on Tape: 3; Side: B}***

**Stewart Julian, Social Service Designee, Riverside Health Care Center, Missoula,** introduced himself and felt very qualified to do what he is doing. He is not licensed but has had two interns work under him as part of their curriculum for a degree. This bill will affect smaller communities who do not have the base from which to draw licensed social workers nor sufficient funding. If they cannot do a particular service, their client is recommended to someone who can.

***{Tape: 3; Side: B; Approx. Time Counter: 0 - 5}***

**Donna Cahala, Employee, Village Health Care Center, Missoula** informed the Committee that she has worked at the Center for eleven years. She was trained by a licensed social worker and has been doing social work for nine years. She explained that her strengths were compassion and dedication to the residents, and that she has worked hard to gain the confidence of the Center. She also had been awarded "The Commitment to Caring Award for Social Services Designee" by the Montana Health Care Association. She concluded that it doesn't take a book to make a good social worker.

***{Tape: 3; Side: B; Approx. Time Counter: 5 - 7}***

**Casey Blumenthal, Montana Hospital Association (MHA),** concurred with Ms. Rose. She reported that 42 of 61 hospitals in Montana are critical access hospitals which means they are small and rural. Most have nursing homes attached to the hospital. Licensure will not take care of the problems previously stated. She submitted a paper stating MHA's problems with HB 682. She

also submitted a letter from Peggy Aakre, Administrator, McCone County Health Center.

**EXHIBIT** (huh40a21)

**EXHIBIT** (huh40a22)

***{Tape: 3; Side: B; Approx. Time Counter: 7 - 10.2}***

**Shirley Brown, Division Administrator, Child and Family Services, DPHHS**, spoke in opposition to HB 682 on behalf of the entire Department. There are two issues: 1) title protection for social workers. The Department would not oppose legislation which said, "The only people who can call themselves social workers are those with a social work degree." 2) practice protection of social workers. The definition of social worker on Page 4, Line 10 is an extremely broad category. In the opinion of the Department, this broad definition would apply to most, if not all, the people in Montana who provide human services. The Department is not sure what it says; but if they have read it correctly, there are some issues. Within the Department, the bill impacts the following divisions: Addictive and Mental Disorders Division, Child and Family Services, Disabilities Services, Health Resources, Health and Community Services, and the Senior and Long Term Care Division. It impacts all of those private providers with whom the State contracts to provide services. The Department has not been able to provide a fiscal note because they are not sure how to estimate the cost. She continued with other issues with which the Department disagreed.

**EXHIBIT** (huh40a23)

***{Tape: 3; Side: B; Approx. Time Counter: 10.2 - 14.6}***

**Dr. Alan Ostby, Clinical Psychologist, President, Montana Clinical Mental Health Counselors Association**, said his Association was quite concerned with the imbalance the bill will create in the Board of Social Work Examiners and Professional Counselors. They have had equal representation with three members on the board since its inception. It has worked very well. With two more social workers represented on the board, that would make the board imbalanced. Those people would have oversight of their profession and their licensure. The Association supports the intent of the bill to protect the public, but their concern as being professional counselors is that there are several provisions in the bill which would allow for bachelor level social workers to practice in private practice. It has been recognized that a bachelor level education is not sufficient preparation to be in private practice. He asked the Committee to look at the definitions in Section 2, Number 11 and also in Section 8, Number 2. His Association considers those to be a danger to the public.

***{Tape: 3; Side: B; Approx. Time Counter: 14.6 - 17.7}***

**Bob Bonato, Administrator, Colonial Manor, Deer Lodge**, submitted a letter from his Social Services Designee, Mary Hultgren. He informed the Committee that, after 22 years as an administrator hiring licensed and unlicensed social workers, costs will increase and quality will decrease if licensed social workers are mandatory.

[EXHIBIT](#)(huh40a24)

*{Tape: 3; Side: B; Approx. Time Counter: 17.7 - 18.6}*

The following stood in opposition to HB 682 and gave their names, occupations and towns.

**Charlie Briggs, Montana Association of Independent Disabilities Services.**

**Susan Ostertag, Licensed Physical Therapist, Lewistown, Montana.**

**Lou Cooper, Social Services Director, Valle Vista Manor, Lewistown, Montana.**

**Jim Fitzgerald, Montana Children's Initiative.**

**Jani McCall, Deaconess Billings Clinic.**

**Brenda Wahler, on behalf of her husband, Eric Wahler, Licensed Professional Counselor.**

[EXHIBIT](#)(huh40a25)

[EXHIBIT](#)(huh40a26)

*{Tape: 3; Side: B; Approx. Time Counter: 18.6 - 20}*

**Informational Testimony:**

**Jeannie Worsech, Unit Supervisor, Health Care Licensing, Department of Labor and Industry**, offered to be available for any questions.

**Marti Wangen, Montana Psychological Association**, told the Committee that they had originally opposed the bill, but would be agreeable with the suggested amendments. On Page 4, Line 4, they would like "emotions, thoughts and behaviors" removed.

*{Tape: 3; Side: B; Approx. Time Counter: 20 - 22.6}*

**Questions from Committee Members and Responses:**

**REP. WILLIAM JONES** asked Dr. Ostby what it would take to make the Board satisfactory. **Dr. Ostby** would like to have the LCPC's have five representatives which would make it equal.

**REP. FACEY** inquired as to which section of the bill deals with title protections and which section deals with practice protections. **Ms. Shirley Brown** indicated Section 12 on Page 9.

**REP. FACEY** wondered why the LC number is so low and yet the bill came out so late. **REP. FRANKLIN** responded that the bill had taken longer to hammer out what was fair, reasonable, etc.

**REP. DON ROBERTS** questioned Ms. Brown as to why she was opposed to requiring social workers to have degree standards. **Ms. Brown** responded that the Department requires all their social workers to have degrees in Child Protective Services. They do not require social work degrees in other departments. They do have hiring preferences for those with degrees.

**REP. ROBERTS** inquired about the difference in pay for a certified masters social worker versus a social worker without a degree. **Ms. Brown** informed him that a child protective services worker gets paid the same regardless of the type of degree. The people without a degree in DPHHS would be case aides, transportation providers, supervisors of visits, etc. and are paid less.

**CHAIRMAN BECKER** asked if, with the bill, the Department could only hire licensed social workers for all types of jobs. **Ms. Brown** replied, "Yes."

*{Tape: 3; Side: B; Approx. Time Counter: 22.6 - 28.8}*

**CHAIRMAN BECKER** referred her question to the sponsor. **REP. FRANKLIN** replied, "Actually, no." **Ms. Colleen Murphy** responded that the intention of the bill is that those who are currently employed in a social work capacity would be grandfathered in. On December 31, 2005, that option would sunset. The person would then have to have a related degree. In 2010, the associate degree would sunset and they would have to have a social work degree. Some states exempt their agencies, but that is not in this bill.

**REP. ROBERTS** wondered if this bill would impact small communities in the above time frame. **Ms. Murphy** replied that other professions are licensed with no exemptions.

*{Tape: 3; Side: B; Approx. Time Counter: 28.8 - 32}*

**REP. TOM MCGILLVRAY** asked Mr. Lira if his organization would cease to exist if this bill passed. **Mr. Lira** did not think that would happen, but he would not be able to continue in his work.

**REP. DAVE MCALPIN** wanted Dr. Ostby to comment on the sunset portion. **Mr. Ostby** gave his explanation but also restated his opposition to the bill.

**{Tape: 4; Side: A; Approx. Time Counter: 0 - 6.7}**

**REP. EMELIE EATON** had a series of questions. First, she asked if Ms. Brown had been educated in Montana and how long she had been in Montana. **Ms. Brown** replied that she had been educated in South Dakota and Montana and has lived and worked in Montana for 25 years.

**REP. EATON** asked if Ms. Brown was aware of the degrees offered in social work in Montana. **Ms. Brown** knew several degrees were offered in Bozeman, Great Falls and Missoula. She gave examples of how the bill would restrict people in the area of social work.

**REP. EATON** had problems with the bill: On Page 6, Lines 4 and 5, (b)(i) and on Page 5, Lines 6 and 7(8). **Ms. Murphy** answered that some of the language is fairly standard to any group that is governed by a board. The Association of Social Work Board is a nationwide accrediting and regulatory body. The Board in this bill would be an extension of that organization. This would give credibility across state lines. A regulatory board would be concerned with the practice that would be authorized.

**{Tape: 4; Side: A; Approx. Time Counter: 6.7 - 13.4}**

**Closing by Sponsor:**

**REP. FRANKLIN** reiterated that the bill is for consumer protection. The purpose of a board is to provide recourse for consumers who have a problem with services. She felt that state agencies should stay in the bill. There is an amendment that volunteers and advocates would not be affected. She urged a do pass.

**{Tape: 4; Side: A; Approx. Time Counter: 13.4 - 18.4}**

**HEARING ON HB 737**

**Sponsor:** **REP. WALTER MCNUTT, HD 37, SIDNEY**

**Opening Statement by Sponsor:**

**REP. WALTER MCNUTT** opened the hearing on **HB 737** which would revise and update laws governing physician assistants. This is needed for mid-level healthcare practitioners in rural areas and also critical access area hospitals.

**Proponents' Testimony:**

**Van Kirke Nelson, Physician, President, Montana Board of Medical Examiners**, gave his testimony and submitted a written copy. He also stated that the Montana Medical Association supported the bill.

**EXHIBIT** (huh40a27)

*{Tape: 4; Side: A; Approx. Time Counter: 18.4 - 25.8}*

**Gabriella Decky, Past President, Montana Academy of Physician Assistants (MAPA)**, stood in strong support of HB 737. She explained the education and work of a physician assistant. This bill is a collaboration between the Board of Medical Examiners and the Montana Academy of Physician Assistants. She submitted letters of support from Ann Davis, MAPA, and Bernard Connor, MAPA. She also submitted testimony from Jani McCall, Deaconess Billings Clinic.

**EXHIBIT** (huh40a28)

**EXHIBIT** (huh40a29)

**EXHIBIT** (huh40a30)

*{Tape: 4; Side: A; Approx. Time Counter: 25.8 - 29.4}*

**Stacy McComb-Goins, Registered Nurse, MAPA**, said she is in support of HB 737.

**Casey Blumenthal, MHA**, spoke in favor of HB 737. She urged a do pass.

*{Tape: 4; Side: A; Approx. Time Counter: 29.4 - 32}*

**Opponents' Testimony:** None

**Informational Testimony:**

**Jeannie Worsch, Executive Director, Board of Medical Examiners, Department of Labor**, was available for questions.

*{Tape: 4; Side: B; Approx. Time Counter: 0 - 0.4}*

**Questions from Committee Members and Responses:**

**REP. MCGILLVRAY** questioned the sponsor about language on Page 1, Lines 17 and 18 and asked if those two lines could be taken out.

**REP. MCNUTT** referred to the statutes that limit abortion. This language references the current law.

**Ms. Fox** responded to the above question. She submitted a copy of the Montana Supreme Court Decision which said that provision was

unconstitutional. Lines 17 and 18 remove an unconstitutional provision that has already been struck from the law.

**EXHIBIT(huh40a31)**

***{Tape: 4; Side: B; Approx. Time Counter: 0.4 - 2.8}***

**REP. HENRY** gave some history on this issue. At one time there was a physician assistant who worked in a clinic where abortions were performed. A few sessions ago, the Legislature passed a bill that prohibited a physician assistant from performing abortions. It was taken to the Supreme Court and they ruled that a law could not be passed that would restrict one person's practice, since there was only one person who fit that description.

***{Tape: 4; Side: B; Approx. Time Counter: 2.8 - 4.4}***

**Closing by Sponsor:**

The Sponsor closed.

#### **HEARING ON HB 663**

**Sponsor:** REP. MARY CAFERRO, HD 80, HELENA

**Opening Statement by Sponsor:**

**REP. MARY CAFERRO** offered to table the bill.

***{Tape: 4; Side: B; Approx. Time Counter: 4.4 - 6.2.}***

#### **HEARING ON HB 704**

**Sponsor:** REP. JONATHAN WINDY BOY, HD 32, BOX ELDER

**Opening Statement by Sponsor:**

**REP. JONATHAN WINDY BOY** opened the hearing on **HB 704**. The bill would mandate time requirements for certain DPHHS actions such as surveys and informal dispute resolutions involving long-term care facilities. He mentioned a fiscal note which none of the Committee had. **REP. WINDY BOY** continued by saying he wanted the bill to be an accountability bill and he spoke about the survey results on Page 2 of the fiscal note.

***{Tape: 4; Side: B; Approx. Time Counter: 6.2 - 14.3; Comments:  
The tape was running while copies were made of the fiscal note.}***

**Proponents' Testimony:**

**Rose Hughes, Montana Health Care Association**, gave her testimony and submitted the written copy.

**EXHIBIT** (huh40a32)

***{Tape: 4; Side: B; Approx. Time Counter: 14.3 - 22.}***

**Denise Licata, Registered Nurse, Director, Clinical Services for Quality Assurance, Sage Company**, stood in support of the bill and was excited to hear about the 45 days for a response. They had waited four months for a ruling on one of their deficiencies and that is not fair to anyone.

***{Tape: 4; Side: B; Approx. Time Counter: 14.9 - 23.1}***

**Casey Blumenthal, Montana Hospital Association**, concurred with Ms. Hughes. They stand in support of the bill.

***{Tape: 4; Side: B; Approx. Time Counter: 23.1 - 24.5}***

**Sherri Maharg, Registered Nurse, Atlantis Enterprises**, stood in support of HB 704.

**Opponents' Testimony:** None

**Informational Testimony:**

**Mary Dalton, Administrator, Quality Assurance Division, DPHHS**, submitted her testimony and a copy of an Informal Dispute Resolution (IDR) and a survey. Conceptually, the Department supports the time frames that are outlined in the bill. They are unable to meet these time frames without additional resources. They did prepare a fiscal note for the bill requesting more personnel.

**EXHIBIT** (huh40a33)

***{Tape: 4; Side: B; Approx. Time Counter: 24.5 - 32}***

**Questions from Committee Members and Responses:**

**REP. ROBERTS** inquired if reviews are done regionally. **Ms. Dalton** replied that most of the time they come to Helena. An IDR can be done three ways: 1) send in records, 2) use the telephone or 3) come to Helena. Most facilities feel they can do a better presentation in person.

**REP. ROBERTS** asked who initiates an IDR. **Ms. Dalton** replied that all are related to the survey itself. All are originated by the facility based on whatever the survey finding was.

**REP. STOKER** asked if Federal money was attached to the bill. **Ms. Dalton** said they would apply to have these funds (\$200,000) from a grant to do survey and certification. When they survey, they are on contract with Medicare and Medicaid; that is why the matching rate is so high.

**REP. STOKER** inquired about the percentages. **Ms. Dalton** replied that the match is 12.5% from State funds and 87.5% from Federal funds.

**REP. STOKER** questioned why the Department didn't come as a proponent instead of an informational witness. **Ms. Dalton** said that as an executive agency, one has to get permission to be a proponent or opponent. Since the bill had come up fairly quickly, she was able to give information without getting that permission.

**{Tape: 5; Side: A; Approx. Time Counter: 0 - 5.4}**

**REP. NOONAN** asked what happens in the interim when an evaluation doesn't get out in 10 days. **Ms. Dalton** replied that if something was in immediate jeopardy (IJ), they have two days to get the survey results out. And they do that. On regular surveys, they have ten working days. If they are late, the clock does not start until the facility gets the survey. The facility's response starts at that time. They are not penalized for the Department's lateness.

**REP. MCALPIN** inquired if the Department was waived if they are short on staff. **Ms. Dalton** said that they were not. They perform the function under contract with the Federal Government. For the first time this year, they were penalized \$11,000 because they were late by one day on one survey of a nursing home.

**Closing by Sponsor:**

The Sponsor closed.

**{Tape: 5; Side: A; Approx. Time Counter: 5.4 - 11.3}**

**EXECUTIVE ACTION ON HB 663**

**Motion/Vote:** **REP. CAFERRO** moved that HB 663 BE TABLED. Motion carried unanimously by voice vote 16-0. **REP. WAGMAN** voted by proxy.

**{Tape: 5; Side: A; Approx. Time Counter: 11.3 - 13.1}**

**EXECUTIVE ACTION ON HB 395**

**Motion:** REP. BECKER moved that HB 395 be reported out of committee with the recommendation that it be referred to Appropriations.

**Discussion:**

REP. NOONAN resisted the motion. He needed more assurance that it would alleviate the problems in counties.

CHAIRMAN BECKER said the counties were against another bill because they couldn't afford that bill and HB 395. They could only support one bill.

REP. STOKER reported that Ravalli County Commissioners said they were currently spending \$17,000 on this and to double it to \$39,000 was more than they could do. They ask him to vote no on this bill.

REP. ROBERTS reported that Yellowstone County Commissioners said that some of the reticent counties would come on board if the bill goes through.

**Vote:** Motion carried 9-7 by roll call vote with REP. CAFERRO, REP. EATON, REP. JONES, REP. MILBURN, REP. NOONAN, REP. STOKER, and REP. WAGMAN voting no. REP. WAGMAN voted by proxy.

**EXECUTIVE ACTION ON HB 552**

**Motion:** REP. MCGILLVRAY moved that HB 552 DO PASS.

**Motion:** REP. HENDRICK moved that HB 552 BE AMENDED.  
[EXHIBIT](#) (huh40a34)

**Discussion:**

Ms. Fox explained the amendment.

**Vote:** Motion carried 14-2 by voice vote with REP. STOKER and REP. WAGMAN voting no. REP. WAGMAN voted by proxy.

**Motion:** REP. CAFERRO moved that HB 552 BE AMENDED.  
[EXHIBIT](#) (huh40a35)

Discussion:

REP. CAFERRO explained the amendment.

Vote: Motion carried 14-2 by voice vote with REP. STOKER and REP. WAGMAN voting no. REP. WAGMAN voted by proxy.

Motion/Vote: REP. CAFERRO moved that HB 552 DO PASS AS AMENDED. Motion carried 14-2 by roll call vote with REP. STOKER and REP. WAGMAN voting no. REP. WAGMAN voted by proxy.  
{Tape: 5; Side: A; Approx. Time Counter: 13.1 - 25.1}

EXECUTIVE ACTION ON HB 387

Motion/Vote: REP. MCALPIN moved that HB 387 DO PASS AS AMENDED. Motion carried 9-7 by roll call vote with REP. HENDRICK, REP. JONES, REP. MCGILLVRAY, REP. MILBURN, REP. ROBERTS, REP. WAGMAN, and REP. WARDEN voting no. REP. WAGMAN voted by proxy.  
{Tape: 5; Side: B; Approx. Time Counter: 0 - 3}

EXECUTIVE ACTION ON HB 619

Motion: REP. MCALPIN moved that HB 619 DO PASS.

Motion: REP. MCALPIN moved that HB 619 BE AMENDED.  
[EXHIBIT](#) (huh40a36)

Discussion:

REP. MCALPIN explained the amendment which corrected a drafting error.

Vote: Motion carried 13-3 by voice vote with REP. HENDRICK, REP. STOKER, and REP. WAGMAN voting no. REP. WAGMAN voted by proxy.

Motion/Vote: REP. MCALPIN moved that HB 619 DO PASS AS AMENDED. Motion failed 7-9 by roll call vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. MCGILLVRAY, and REP. WINDY BOY voting aye. REP. WAGMAN voted by proxy.

**Motion/Vote:** REP. ROBERTS moved that HB 619 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. MCGILLVRAY, and REP. WINDY BOY voting no. REP. WAGMAN voted by proxy.

*{Tape: 5; Side: B; Approx. Time Counter: 3 - 7.4}*

#### **EXECUTIVE ACTION ON HB 555**

**Motion:** REP. ROBERTS moved that HB 555 DO PASS.

#### **Discussion:**

REP. FACEY asked if there was any money in the bill. REP. CAFERRO replied that there was no money involved. The bill only addresses what a parent can do for their work activities. They would receive their TANF cash grant and there is no extra money in the bill for adult education.

REP. STOKER inquired if the bill was to allow parents to use up to ten hours of education time toward their required thirty-hour TANF time. REP. CAFERRO said that it could be up to sixteen hours--a full time student, but they would have to work at least ten hours.

REP. WINDY BOY asked why childcare had not been taken out of the bill. REP. CAFERRO explained that the fiscal note was written according to the bill prior to the amendments. The amendments would take out extra childcare.

**Motion:** REP. HENDRICK moved that HB 555 BE AMENDED.

**EXHIBIT** (huh40a37)

#### **Discussion:**

Ms. Fox explained three of the amendments. Numbers 3, 4 and 5 are corrections of typographical errors. Amendment Number 2 removes the extra daycare. Amendment Number 6 gives a delayed effective date.

**Vote:** Motion carried unanimously by voice vote 16-0. REP. WAGMAN voted by proxy.

**Motion:** REP. CAFERRO moved that HB 555 BE CONCEPTUALLY AMENDED TO ALLOW MORE FLEXIBILITY IN FUNDING.

**Discussion:**

**Hank Hudson, DPHHS**, explained that it would remove "STATE-FUNDED" on Line 6 in the title. On Page 1, Line 17 and Line 23 the amendment would remove "state-funded." There was one other place on Page 2 that "state-funded" be removed and put "parents-as-scholars program."

**CHAIRMAN BECKER** stated that this would make it a federally-funded program and not a state-funded program.

**Vote:** Motion carried 15-1 by voice vote with **REP. WINDY BOY** voting no. **REP. WAGMAN** voted by proxy.

**Motion:** **REP. CAFERRO** moved that HB 555 DO PASS AS AMENDED.

**Discussion:**

**REP. WINDY BOY** explained that he voted "no" on the conceptual amendment because he was concerned that it wouldn't really happen.

**REP. MILBURN** said that he was in favor of education but people might elect to stay in the program longer than they might have.

**Vote:** Motion carried 13-3 by roll call vote with **REP. JONES**, **REP. MILBURN**, and **REP. WINDY BOY** voting no. **REP. WAGMAN** voted by proxy.

*{Tape: 5; Side: B; Approx. Time Counter: 7.4 - 19.1}*

**EXECUTIVE ACTION ON HB 643**

**Motion:** **REP. ROBERTS** moved that HB 643 DO PASS.

**Motion:** **REP. NOONAN** moved that HB 643 BE AMENDED.  
[EXHIBIT](#)(huh40a38)

**Discussion:**

**REP. NOONAN** explained that he was supportive of the statewide ban but wanted to exempt bars, taverns and casinos. People need a place to go and be able to smoke. If a tavern desires to have a smoke-free place, that is their prerogative. An employee can make a decision whether to work in a place that allows smoking.

**REP. NOONAN** also explained that this amendment parallels the bill that came out of Business and Labor and how it defined taverns and gaming places.

**Ms. Fox** explained the amendments to the Committee.

**REPS. JONES, FACEY, HENDRICK, MCALPIN, STOKER,** and **CAFERRO** spoke on the amendment.

**REP. MCGILLVRAY** spoke in favor of the amendment.

*{Tape: 5; Side: B; Approx. Time Counter: 19.1 - 32; Comments: The discussion carried over to Tape 6, Side A.}*

**Vote:** Motion failed 6-10 by roll call vote with **REP. BECKER, REP. HENDRICK, REP. MCGILLVRAY, REP. MILBURN, REP. NOONAN,** and **REP. WINDY BOY** voting aye. **REP. WAGMAN** voted by proxy.  
*{Tape: 6; Side: A; Approx. Time Counter: 0 - 8.1}*

**Motion:** **REP. MCALPIN** moved that **HB 643 BE AMENDED.**  
[EXHIBIT](#) (huh40a39)

**Discussion:**

**REP. MCALPIN** explained the amendment would allow American Indians to practice their religion any place and to use tobacco as part of their ceremony.

**REP. STOKER** stated that Indian reservations are off limits to these laws. This amendment would only affect any activity they did concerning tobacco off the reservation.

**REP. MILBURN** questioned the adamant response against smoking from **REP. MCALPIN** but then the offer of an amendment that would exempt Indians. He also felt that this use was already covered in the bill.

**REP. MCALPIN** said that it was only for ceremonial use.

**Ms. Fox** explained that the bill addressed tobacco use inside a room or building. The amendment addressed tobacco use inside or out.

**REP. STOKER** felt that this exemption could be misused.

Vote: Motion failed 8-8 by roll call vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENDRICK, REP. HENRY, REP. MCALPIN, REP. NOONAN, and REP. ROBERTS voting aye. REP. WAGMAN voted by proxy.

*{Tape: 6; Side: A; Approx. Time Counter: 8.1 - 13.8. REP. HENDRICK left the hearing.}*

Motion: REP. MCALPIN moved that HB 643 BE AMENDED.

[EXHIBIT](#) (huh40a40)

Discussion:

Ms. Fox explained the amendments. There were no penalty provisions in the bill, and the amendments put penalty provisions into the bill.

Vote: Motion failed 6-10 by roll call vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. JONES, and REP. MCALPIN voting aye. REP. WAGMAN and REP. HENDRICK voted by proxy.

*{Tape: 6; Side: A; Approx. Time Counter: 13.8 - 20.3. REP. WARDEN left the hearing.}*

Motion/Vote: REP. STOKER moved that HB 643 BE AMENDED. Motion carried 12-4 by roll call vote with REP. MCALPIN, REP. MCGILLVRAY, REP. NOONAN, and REP. ROBERTS voting no. REP. WAGMAN, REP. HENDRICK and REP. WARDEN voted by proxy.

[EXHIBIT](#) (huh40a41)

REP. HENDRICK returned to the hearing.

Motion/Vote: REP. MCALPIN moved that HB 643 DO PASS AS AMENDED.

Motion failed 8-8 by roll call vote with REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. JONES, REP. MCALPIN, REP. NOONAN, and REP. ROBERTS voting aye. REP. WAGMAN and REP. WARDEN voted by proxy.

*{Tape: 6; Side: A; Approx. Time Counter: 20.3 - 24.7. REP. WARDEN and REP. WAGMAN returned to the hearing.}*

EXECUTIVE ACTION ON HB 648

Motion: REP. HENDRICK moved that HB 648 DO PASS.

Discussion:

REP. ROBERTS said that this bill would be an added expense for the State Fund.

**REP. MCALPIN** felt that this effort could be voluntary by employers. The bill would make a statement: "The State would reward smoke-free workplaces."

**REP. WARDEN** asked **REP. MCALPIN** for his remedy for those businesses that don't insure through the State Fund. **REP. MCALPIN** explained that the Legislature cannot force this incentive upon private carriers.

**REP. FACEY** believed that the State Fund has millions of dollars in reserve and could well afford this effort.

Vote: Motion failed 8-8 by roll call vote with **REP. CAFERRO**, **REP. EATON**, **REP. FACEY**, **REP. HENRY**, **REP. JONES**, **REP. MCALPIN**, **REP. NOONAN**, and **REP. WINDY BOY** voting aye.

#### EXECUTIVE ACTION ON HB 658

Motion: **REP. ROBERTS** moved that HB 658 DO PASS.

Substitute Motion/Vote: **REP. FACEY** made a substitute motion that HB 658 BE TABLED. Motion carried 12-4 by roll call vote with **REP. CAFERRO**, **REP. MCGILLVRAY**, **REP. WAGMAN**, and **REP. WARDEN** voting no. {Tape: 6; Side: A; Approx. Time Counter: 24.7 - 32}

#### EXECUTIVE ACTION ON HB 690

Motion/Vote: **REP. ROBERTS** moved that HB 690 BE TABLED. Motion failed 8-8 by roll call vote with **REP. HENDRICK**, **REP. JONES**, **REP. MCGILLVRAY**, **REP. MILBURN**, **REP. ROBERTS**, **REP. STOKER**, **REP. WAGMAN**, and **REP. WARDEN** voting aye.

Motion: **REP. JONES** moved that HB 690 DO PASS.

Motion: **REP. JONES** moved that HB 690 BE AMENDED.  
[EXHIBIT](#) (huh40a42)

Discussion:

**Ms. Fox** explained the amendments.

Vote: Motion carried 11-5 by voice vote with **REP. HENDRICK**, **REP. MCGILLVRAY**, **REP. MILBURN**, **REP. STOKER**, and **REP. WAGMAN** voting no.

**Motion:** REP. HENDRICK moved that HB 690 DO PASS AS AMENDED.

**Discussion:**

**CHAIRMAN BECKER** was supportive of the bill. The Department seems to be investigating disease clusters now and it won't cost the Department any extra.

**REP. HENDRICK** said that in small community hospitals, this would be another burden to the medical records personnel.

**REP. ROBERTS** reported that in small hospitals these situations are already coded and when it goes to medical records, the codes are just lifted off the charts and put on the appropriate documents.

**REP. HENRY** concurred that most of these things are already collected data. Much of this is already on computers.

**REP. ROBERTS** offered that statistics can do strange things. Looking at only numbers does not mean there is an environmental cause.

**CHAIRMAN BECKER** brought a fiscal note to the attention of the Committee.

**Vote:** Motion failed 7-9 by roll call vote with REP. BECKER, REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, and REP. NOONAN voting aye.

**Motion/Vote:** REP. HENRY moved that HB 690 BE TABLED AND THE VOTE REVERSED. Motion carried 9-7 by voice vote with REP. BECKER, REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, and REP. NOONAN voting no.

*{Tape: 6; Side: B; Approx. Time Counter: 0 - 16.1}*

**EXECUTIVE ACTION ON HB 737**

**Motion/Vote:** REP. FACEY moved that HB 737 DO PASS. Motion carried 15-1 by voice vote with REP. JONES voting no.

EXECUTIVE ACTION ON HB 704

Motion/Vote: REP. ROBERTS moved that HB 704 DO PASS. Motion carried 15-1 by roll call vote with REP. MILBURN voting no.  
{Tape: 6; Side: B; Approx. Time Counter: 16.1 - 20.3}

EXECUTIVE ACTION ON HB 696

Motion: REP. WINDY BOY moved that HB 696 DO PASS.

Motion: REP. FACEY moved that HB 696 BE CONCEPTUALLY AMENDED ON PAGE 1, LINES 24 AND 25 TO READ, "...THE YOUTH IS ENTITLED TO MAINTAIN ETHNIC OR CULTURAL OR RELIGIOUS HERITAGE...."

Substitute Motion/Vote: REP. ROBERTS made a substitute motion that HB 696 BE TABLED. Motion failed 8-8 by roll call vote with REP. HENDRICK, REP. JONES, REP. MCGILLVRAY, REP. MILBURN, REP. ROBERTS, REP. STOKER, REP. WAGMAN, and REP. WARDEN voting aye.

Vote: Motion to amend carried 14-2 by voice vote with REP. JONES and REP. MCGILLVRAY voting no.

REP. WINDY BOY offered a conceptual amendment, but withdrew the amendment after Ms. Fox explained it was not necessary.

Motion/Vote: REP. WINDY BOY moved that HB 696 DO PASS AS AMENDED. Motion carried 10-6 by roll call vote with REP. JONES, REP. MCGILLVRAY, REP. MILBURN, REP. STOKER, REP. WAGMAN, and REP. WARDEN voting no.  
{Tape: 6; Side: B; Approx. Time Counter: 20.3 - 31.2}

**ADJOURNMENT**

Adjournment: 11:00 P.M.

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REP. ARLENE BECKER, Chairman

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MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

**EXHIBIT ([huh40aad0.PDF](#))**